

DOCUMENTS UNDER SEAL ☐

TOTAL TIME (mins): 8 Mins

<b>MAGISTRATE JUDGE</b> <b>MINUTE ORDER</b>		DEPUTY CLERK Ivy L. Garcia		REPORTER/FTR FTR: 3/24/08 10:03:18-10:11:02	
MAGISTRATE JUDGE HON. WAYNE D. BRAZIL		DATE 3/24/08		NEW CASE <input type="checkbox"/>	CASE NUMBER 4-08-70155-WDB
<b>APPEARANCES</b>					
DEFENDANT DANIEL DURAN-PEREZ		AGE	CUST Yes	P/NP P	ATTORNEY FOR DEFENDANT Laura Robinson
U.S. ATTORNEY James Mann		INTERPRETER Carole Glasser (Spanish Int.)		<input type="checkbox"/> FIN. AFFT SUBMITTED	<input checked="" type="checkbox"/> COUNSEL APPT'D
PROBATION OFFICER None	PRETRIAL SERVICES OFFICER Victoria Gibson	DEF ELIGIBLE FOR APPT'D COUNSEL		<input type="checkbox"/> PARTIAL PAYMENT OF CJA FEES	
<b>PROCEEDINGS SCHEDULED TO OCCUR</b>					
<input type="checkbox"/> INITIAL APPEAR	<input type="checkbox"/> PRELIM HRG	<input type="checkbox"/> MOTION	<input type="checkbox"/> JUGM'T & SENTG	<input checked="" type="checkbox"/> STATUS 6 Mins HELD	
<input type="checkbox"/> I.D. COUNSEL	<input type="checkbox"/> ARRAIGNMENT	<input type="checkbox"/> BOND HEARING	<input type="checkbox"/> INITIAL APPEAR REV PROB OR S/R	<input type="checkbox"/> OTHER	
<input checked="" type="checkbox"/> TIMING OF DETENTION HRG WAIVED BY THE DEFT.	<input type="checkbox"/> ID / REMOV HRG	<input type="checkbox"/> CHANGE PLEA	<input type="checkbox"/> PROB. REVOC.	<input checked="" type="checkbox"/> ATTY APPT HEARING 2 Mins HELD	
<b>INITIAL APPEARANCE</b>					
<input type="checkbox"/> ADVISED OF RIGHTS	<input type="checkbox"/> ADVISED OF CHARGES	<input type="checkbox"/> NAME AS CHARGED IS TRUE NAME	<input type="checkbox"/> TRUE NAME: <b>FILED</b>		
<b>ARRAIGNMENT</b>					
<input type="checkbox"/> ARRAIGNED ON INFORMATION	<input type="checkbox"/> ARRAIGNED ON INDICTMENT	<input type="checkbox"/> READING WAIVED SUBSTANCE	<input type="checkbox"/> WAIVER OF INDICTMENT FILED MAR 24 2008 RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
<b>RELEASE</b>					
<input type="checkbox"/> RELEASED ON O/R	<input type="checkbox"/> ISSUED APPEARANCE BOND	AMT OF SECURITY \$	SPECIAL NOTES	<input type="checkbox"/> PASSPORT SURRENDERED DATE:	
PROPERTY TO BE POSTED <input type="checkbox"/> CASH \$		CORPORATE SECURITY <input type="checkbox"/>		REAL PROPERTY: <input type="checkbox"/>	
<input type="checkbox"/> MOTION FOR DETENTION	<input type="checkbox"/> PRETRIAL SERVICES REPORT	<input checked="" type="checkbox"/> DETAINED	<input type="checkbox"/> RELEASED	<input checked="" type="checkbox"/> TIMING OF DETENTION HEARING AND FORMAL FINDINGS WAIVED BY THE DEFT.	
<input checked="" type="checkbox"/> REMANDED TO CUSTODY					
ORDER REMOVED TO THE DISTRICT OF					
<b>PLEA</b>					
<input type="checkbox"/> CONSENT ENTERED	<input type="checkbox"/> NOT GUILTY	<input type="checkbox"/> GUILTY	GUILTY TO COUNTS: <input type="checkbox"/>		
<input type="checkbox"/> PRESENTENCE REPORT ORDERED	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> PLEA AGREEMENT FILED	OTHER:		
<b>CONTINUANCE</b>					
TO: 3/27/08	<input type="checkbox"/> ATTY APPT HEARING	<input type="checkbox"/> BOND HEARING	<input type="checkbox"/> STATUS RE: CONSENT	<input type="checkbox"/> STATUS / TRIAL SET	
AT: 10:00 a.m.	<input type="checkbox"/> SUBMIT FINAN. AFFIDAVIT	<input checked="" type="checkbox"/> PRELIMINARY HEARING OR ARRAIGN- MENT	<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> OTHER	
BEFORE HON. WAYNE D. BRAZIL	<input type="checkbox"/> DETENTION HEARING		<input type="checkbox"/> MOTIONS	<input type="checkbox"/> JUDGMENT & SENTENCING	
<input type="checkbox"/> TIME WAIVED	<input type="checkbox"/> TIME EXCLUDABLE UNDER 18 § USC 3161	<input type="checkbox"/> IDENTITY / REMOVAL HEARING	<input type="checkbox"/> PRETRIAL CONFERENCE	<input type="checkbox"/> PROB/SUP REV. HEARING	
<b>ADDITIONAL PROCEEDINGS</b>					

The deff's atty. said that the deff. declines to provide some info. on his fin. affidavit form & invokes his 5th Amendment bec. some of the info. called for could incriminate him in rel. to his immigration status here in the U.S. The Court didn't accept the deff's fin. affidavit form since all it has is his signature & no other info. The gov't atty. provided the Court with a copy of the detainer that has been lodged on the deff. by ICE. In light of the ICE detainer, the deff. waived the timing of his Detention Hrg. The deff. was ordered detained. The deff. reserved his rights to have his Detention Hrg. -- if & when he believes it's on his best interest to put his Detention Hrg. back on cal. later.

cc: WDB's Stats, Pretrial

U.S. Department of Homeland Security

Immigration and Customs Enforcement

## Immigration Detainer - Notice of Action

<b>To: (Name and title of institution)</b> CUSTODIAN OF RECORDS, HOLDS/WARRANTS/DETAINERS CONTRA COSTA COUNTY JAIL CITY/COUNTY JAIL, CALIFORNIA DEPARTMENT OF CORRECTIONS, UNITED STATES MARSHALS SERVICE OR ANY SUBSEQUENT LAW ENFORCEMENT AGENCY	<b>From: (ICE office address)</b> U.S. DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE OF DETENTION & REMOVAL 630 SANSOME STREET SAN FRANCISCO, CA 94111
---	--

<b>Name of Alien (ICE):</b>		<b>Name of Alien (Institution):</b> DURAN - PEREZ, DANIEL	
<b>Date of Birth:</b> 7-20-1981	<b>Nationality:</b> MEXICO	<b>Offense (NCIC):</b> 21 USC 841	<b>File No:</b> A88451919
<b>CIU/SID:</b> CA28135139	<b>BOP No:</b>	<b>Date Sentenced:</b>	<b>Date Detainer Filed:</b> 3-19-08
<b>FBI:</b> 682422PC4	<b>BOOKING No:</b> 2008005711	<b>Sentence Length:</b>	<b>Interview Date:</b> 3-19-08
<b>Institution No:</b>	<b>Sex:</b> MALE	<b>Ag Felony:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DO <input type="checkbox"/> OR <input type="checkbox"/> OT	<b>ERD:</b>

You are advised that the action noted below has been taken by the U.S. Immigration and Customs Enforcement (ICE) concerning the above-named inmate of your institution:

- ☒ Investigation has been initiated to determine whether this person is subject to removal from the United States.  
☐ A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on

(Date)

- ☐ A warrant of arrest in removal proceedings, a copy of which is attached, was served on

(Date)

- ☐ Deportation or removal from the United States has been ordered.

## It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments, or other treatment which he or she would otherwise receive. If you have any further questions regarding this matter, please contact the ICE official named below at (415) 844-5347 during normal business hours.

- ☒ Federal regulations (8 CFR 237.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for ICE to assume custody of the alien. You may notify ICE (Detention Branch) by calling (415) 844-5549 during business hours or by fax at (415) 844-5563.

- ☐ Please complete and sign the bottom block of the duplicate of this form and return it to this office.

- ☐ A self-addressed stamped envelope is enclosed for your convenience.

- ☐ Please return a signed copy via facsimile to (415) 844-5346.

Return fax to the attention of person named below

(Name of INS office handling case)

- ☒ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.

- ☒ Notify this office in the event of the inmate's death or transfer to another institution. **IF INMATE IS TRANSFERRED, NOTIFY GAINING INSTITUTION THAT THIS HOLD IS ACTIVE. PROVIDE A COPY OF THIS NOTICE TO THE INSTITUTION.**

- ☐ Please cancel the detainer previously placed by this Service on

(Signature of ICE official)

Daniel J. Martinez Immigration Enforcement Agent  
 (Title of ICE official)

Receipt acknowledged:

Date of latest conviction: \_\_\_\_\_ Latest conviction charge: \_\_\_\_\_

Estimated release date: \_\_\_\_\_

Signature and title of official: \_\_\_\_\_